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DOCUMENTS

Letters on the Nullification Movement in South Carolina, 1830-1834.

(Second and concluding installment.)

XXVII. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF, 7th February 1833.

Sir,

Your Circular dated the 30th January, reached me a few days ago at Barnwell court House. My engagements have rendered it impossible to reply to it before this time. I now submit as full a statement of my progress thus far in Organising this district, as it is in my power to make, and also furnish the estimates that you desire.

I have inspected, recieved and commissioned the following companies.

Capt. Lafittes company	—	65	men.
Capt Schmidst's Do	—	67	“
Capt McTyeire's Do	—	60	“
Capt Walker's Do	—	77	“

The names of the officers and men in these companies have heretofore been forwarded to you, or will accompany this report. Capt M^c-Tyeire's list was to have been presented to me on Monday last at Barnwell, but for some reason that I have not yet learned his First Sergeant did not come to the Village. I have ordered his list to be forwarded with his bond for arms and it is probable you will find it larger than I have stated. To Capt Walker's list I have added the ages of the men as being very remarkable. With *very few* exceptions they are as capable of doing duty as any men in the district, and have specially requested to be the first ordered into service. I will not make a statement of all the volunteers that I have recieved, and an estimate of the number, that will probably be enrolled in the district. Except those already mentioned, I have not inspected any. Capt Johnston's Troop has, however, been inspected by Col. Hogg.

	Men	And will probably increase to
Capt. Lafittes company now number	65	70
Capt. Schmidst's Do “ “	67	75
Capt. M ^c Tyeire's Do “ “	60	60
Capt. Walker's Do “ “	77	90
Capt. Lancaster's Do “ “	66	80
Capt. Allen's Do “ “	55	55

Capt. Johnston's company now number	52	65
Capt. Willis Do " "	40	60
Capt. Butlers Do " "	35	60
Capt. Killingsworth's Do " "	35	60
Total.	552	675

Add probable number of Vol. from Beats not yet mustered. 175

Whole number. 850

Number of Minute men enrolled 75 100

These however must not be added to the number of Volunteers, as nearly all of them are already members of Volunteer corps, or included in the last line of estimated Volunteers. As soon as I inspect and commission the above companies, I will forward to you the names of the officers and men. In regard to the *general condition* of arms I have previously reported. I have ordered out both regiments for inspection and review and will report more particularly hereafter. I have before mentioned that there were three Corps in the District in possession of public Arms. Of one of these I am still unable to report any thing. Capt. Touchstone's company have Thirty four muskets, all in pretty good order. The arms belonging to the late Capt. Holden's company, now dissolved, I have collected at Buford's Bridge, to the number of 47. Of these 36 require only to be cleaned and some of the pans hardened. 8 are broken, but can be repaired, and 3 bursted, not worth repairing. These repairs I can have done here, at from \$1 to 1.50 a gun, and unless otherwise ordered will make a contract for that purpose [in] a few days. I yet hope to collect more guns belonging to the State. If called into actual service all of them at once, the volunteers of Barnwell would require an addition to their present Arms, at least 500 stand to act effectually. In addition however to the issues which I shall herewith request, I think 200 stand with a few dozen swords and pistols will be as many as I can ask for in the present state of the Armory. These, I can deposit very securely in a room in our court House, which however is a wooden building. For the present I must beg you to furnish arms to Capt. Schmidt's, Capt. Lafitte's and Capt M'Tyeire's companies. These will be necessary to keep them in heart, and induce them to uniform drill. I have furnished each of them with a copy of the bond which they are to sign and forward to you. The arms can be directed to the *Captains respectively* at the points mentioned in my report to you No. 1. The 200 stand had better be directed to *me* and sent by the railroad with Capt. Schmidts. Capt. Johnston desires 30 brace of pistols, and about 25 swords. For these he will forward you his bond, and they can be directed to him at Johnston's landing on Savannah River. We are very much in want of powder and lead. There is perhaps no district in the State of the same size so deficient. A few dozen of the one, and a few hundred of the other are almost indispensable. If it be deemed unsafe to forward them

by the railroad let them be sent to Johnston's landing. As to the deposit of Arms &c at Columbia and Edgefield, I have only to say, that this district can be furnished more conveniently from Charleston than either, except a small portion of it, which will be nearer Edgefield until the rail-road is opened to the Levels.

In regard to provisions I shall be prepared. I can furnish a *few men* in the manner you require that might be depended on. Say 25.

I wish you to forward me by the middle of next week 3 dozen commissions more.—direct to Barnwell, as I shall be on Buford's Bridge on the 15 and 16th reviewing the 43^d Regiment. Between this and the 1st of May or June very little corn will be sold. It is abundant on the Savannah River, but not so in other parts of the district.

Very Respectfully

Your obedient servant

JAMES H. HAMMOND

Col. W^m E. Hayne.

XXVIII. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 7th Feb. 1833.

Dear Sir

You will doubtless be curious to learn something about the Mission of M^r Leigh.¹ It is desired by M^r L. that until he communicates with the Legislature of Virginia nothing sh'd be published here. I give you the following therefore for your own information and that of our friends. The object of this Mission is *first* to prevent an immediate "appeal to force," *second* to get a suspension of our Ordinance until the end of the next session of Congress. On the first point we shall inform him that public opinion has already suspended the Ordinance until the 4th March next, and that no "appeal to force" is designed on our part unless to *repel* unlawful violence. On the second point he will be informed that the Convention will be reassembled early in March,² when the propositions from Virginia will be submitted, and will doubtless receive the most respectful consideration. No one is authorized to say what the Convention will do. It would be useless to convene the Convention before March as its proceedings would not be known in time to influence the decisions of Congress, and besides we ought to have our members at home and know what has been done.

This course will be satisfactory to M^r Leigh and Virginia and is one which we should in almost any event have found it necessary to pursue. M^r Leigh will probably remain in South Carolina until the Convention meets.³

¹ By resolutions of the general assembly of Virginia, January 26, it was resolved that mediation between South Carolina and the executive government of the United States should be undertaken; and Benjamin Watkins Leigh was sent as a commissioner for that purpose. *State Papers on Nullification*, pp. 328-331.

² Governor Hamilton, as its president, by proclamation of February 13, summoned it for March 11.

³ He did so, and was invited within the bar of the Convent on and treated with much consideration.

The tone of the public mind here is firm and excellent and things are on the whole going on as well as could be expected. The accounts from all parts of the State are most gratifying. I have just rec^d your letter of the 4th ins^t and send you a check on the Agent at Hamburg for \$1000. On receiving it you will forward me a general acknowledgment for the same, and finally when the fund is exhausted forward the vouchers for the several accounts paid. The strictest economy must be observed in all your expenditures. In relation to the legal question which you have put I would say, that *my first impression* is, 1st, that 8 companies associating *may* be rec^d as a Reg^t but if convenient two others must be secured of Light Infantry or Riflemen, 2^d that an existing Reg^t volunteering as a whole *may* be rec^d *as they are* with their present officers, tho' consisting of only 8 companies &c., 3^d I think the old Law should be the rule as to Squadrons and Regiments of Cavalry. As to Schultz's account it is inadmissible. The State cannot afford such expences. Your own contracts must of course be complied with, and perhaps something more may be done to *compromise* the affair, but to expend \$40. for *Music*, when we want every cent for *Arms* is out of the question. I expect a supply of Arms to be shortly rec^d at Hamburg. I shall direct them to you, you will take them to Edgefield and wait further orders.

In haste yrs truly

ROB Y. HAYNE

P. S. It is true that Vessels have been stopped by the Cutters, and after some detention they have been allowed to come up. This proceeding wants *explanation*.

XXIX. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 7th February 1833

My Dear Sir

I returned last night from a tour of duty. I have to day drawn up a report for the Assistant Adjutant and Inspector General which contains a full account of the military Organization of the District so far as it has progressed. I think the tone of feeling and state of the Volunteer roll as well as organization will now make it politic to call out the Regiments and have accordingly done so for the 16th and 23rd of this month as you will perceive by copies of orders which I have inclosed to Col Hayne. At these reviews the strength of our cause will be pretty well exhibited. I have set down the number at 850, about two thirds of the fighting men. I hope there will be more. But these you may depend upon as staunch. The late movements in Congress have excited the people very much and if Wilkin's¹ bill becomes a law they will be prepared for anything. The decided impression now is that there will be a war and the idea appears to excite the people. The shock that was felt upon the first indications of settling our controversy with the sword

¹ The Force Bill, introduced into the Senate on January 21 by William Wilkins of Pennsylvania.

is wearing off and there is every prospect of as much unanimity among the people on this question as any of a political character whether of war or peace that was ever proposed to them. On Saturday last I attended a muster in a neighbourhood where they have hitherto been nearly equally divided. After descanting to them freely on Wilkin's bill and Irby's Letter every individual present—the Union men among the first, volunteered. On Monday we had quite a spirited meeting at Barnwell. The Volunteer Veterans were inspected and commissioned. There are 77 on the list nearly all of whom were present. The average of their ages is within a fraction of 61 years. Five of them are 80. The majority of them are very stout and athletic and all full of spirit. They have made it a special request to be first ordered into service and they are really earnest in it. A few excepted there is not a company of the same number in the state that will be more efficient. Many of them fought through the Revolution, most of them were in service during the last war. The spectacle they exhibited was really solemn and effecting. The parade being over they were marched into the Court House followed by a great crowd and were addressed by Judge Harper, Col Preston and Col Butler. These addresses have given a new impulse to the spirit of Barnwell. Every one seemed ready to fight and all appear animated by a most thorough conviction that we are unconquerable. I am sure the difficulty with us will not be the want of men but officers and means. It will take one year at least to make our army efficient in point of discipline. The United States have greatly the advantage in this respect and no human power can remedy the defect at once. We should by all means have a military department in the college. In regard to money it is important to be looking out even now. We shall certainly have to borrow money and the moment a blow is struck negotiations should be set on foot for straining our credit to the utmost, at once when it will be best. In the mean time the private resources of the Whigs should be taken into consideration. On this point I will speak for myself at once. I hold my property all of it as much at the service of the state as my life: but to calculate on something short of extremities I think I can furnish you next year with the proceeds of an hundred bales of cotton. I did think of making a large provision crop but reflecting that I was on the frontier of Georgia and flanked on all sides with Union men I thought perhaps it would be safer to plant cotton and furnish the State with the proceeds. If the seasons are ordinary I can afford to give at least one hundred bales without depriving myself of the means of meeting the contingent expenses of my official situation. For this I will take the States certificate or no certificate if the times require it. If it should be preferred I would cheerfully turn over to the service of the State from the time the first movement is made all my efficient male force to be employed in ditching, fortifying, building as pioneers &c. Of course not to bear arms which would be dangerous policy not to be justified only by the greatest extremities. But as I said before the difficulty will not be want of men for any service. I feel very

uneasy about the state of our finances and although I would not hesitate in our course one moment if there were not a dollar in the treasury still it is prudent [to husband?] and if possible augment our resources to meet the crisis. I trust no resort will be made now at least to increase taxation the people would not bear it whatever our descendants may have to do.

I know you are too much occupied to write to your aids fully of your views of the state of affairs, but I feel the importance of not being wholly ignorant of them. The private opinions and purposes of the Whigs of Charleston are anxiously sought for by the people of the interior of all classes. Yet so far as I know they are a profound mystery to every one. How would it do to have short hand bill address[es] struck off at every new [turn] of affairs explaining succinctly and [clearly] the current state [of] events to be circulated through the medium of the old associations? I can say for Barnwell that such a thing would have the happiest effect. The people have a rabid appetite for information and it should be afforded in some way that they can confide in. All that is wanting to make them precisely what they should be is light, and in these times every spark has its effect.

XXX. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

private.

Executive Department

CHARLESTON February 12, 1833

Sir

Your Reports and Requisitions for Arms have been received. I am truly sorry to say that the demand for Arms exceeds *five times over* the number in possession of the State. To answer these calls is therefore impossible. Our supplies come in slowly—we have no manufactories, and indeed the finances of the State would be exhausted in procuring half the number of arms that have been called for. You will see at once therefore that *a strong appeal* must be made to *the Patriotism* of the people to furnish themselves with arms and equipments so far as may be practicable and that nothing must be drawn from the Arsenal that can possibly be spared. In *the Depots* we must keep on hand the *means* of *supplying* all *deficiencies* in Arms &c. when Troops are called into the field. If 500 fire Arms were issued to day and in three months a call were made for 500 Men, 100 at least of these arms would be wanting or unfit for use. The Returns shew that there are not now ready for service in the hands of the men one half of the Arms issued within *the last two years*. Economy and sound policy both conspire therefore in requiring that we should make no issues that can possibly be avoided, but must *husband our resources* for a time of need. You must therefore *turn out*, and induce the Volunteers in your District to brush up such arms as they have got, and to supply themselves as far as they can. At all events when a call is made let them repair to their place of rendezvous with *the best they can bring* and inform them that every effort on my part will be made to have those who may be called out well supplied. In the mean

time it may be necessary that some small issues should be made to keep the Volunteers in heart. Estimating our present means I will divide among the Districts such number of Muskets, Rifles, Pistols and swords as can be spared and of these you will make the best use in your power. No man should have more than one Pistol, the other may be furnished when he is called out. Of Cartouch boxes and belts we have so few and they are procured with such difficulty that your men must try and supply themselves or provide some substitute. Having made these explanations I annex a Statement of what has been done or can be done now for your District and I confidently rely on your making the best of it.¹

I am very Respectfully

Your ob. Serv^t

ROB. Y. HAYNE

N. B. If you have not yet bought powder, do not. I can send you a supply from Savannah. The "Palmetto Standards" can be painted here for \$60 each. Can you afford to *buy* them at that rate? The State cannot furnish.

The following articles have been ordered to be forwarded to Hamburg to the Mess^{rs} Walker for you. You will take charge of them when they arrive, and in consultation with Col Wardlaw determine how they can best be disposed of in Abbeville and Edgefield so as to encourage the volunteers and at the same time enable us to count on them when called for.

The articles are

100 Artillery Swords	} Report what number (if any) of these articles you have already rec ^d .
100 Cavalry Sabres	
100 P ^r Pistols	
52 P ^r Holsters	
* 369 Muskets	
80 Rifles	
80 Powder Flasks	
10 Reams Cartridge Paper	(Let Cartridges be made).

300 Waist Cartouch Boxes. These [will] be sent as soon as belts can be fixed to them. I propose to send considerable additional supplies of Arms to Hamburg as soon as they can be procured—not to be issued but *to be kept in the Depots*—distributed say between Edgefield, Abbeville, Columbia and perhaps Barnwell, as Hammond, Wardlaw, Butler and yourself shall advise. For any emergency 100 firearms at a Depot are worth 130 in the hands of the men, because the men who come first into the field get them, and every one counts. Remember this in your distributions.

* *Give out* no more of these than may be indispensable.

R. Y. H.

Col. F. W. Pickens.

¹ To this point the manuscript is in a clerk's handwriting and apparently constitutes a uniform circular to aides-de-camp.

XXXI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON, Feb 12, 1833

I have ordered 360 Muskets and 300 Cartouch boxes (such as we have) to be forwarded to Col Pickens at Hamburg, care of A. and G. Walker. Of these you may have 100 for the use of Barnwell Dist. Go and see Pickens and arrange the matter with him, and let him get down a supply of Lead and Powder from Abbeville and let you have what you may want. I shall order also to be sent from this place for your use

60 Rifles and Flasks,
30 Pair Pistols,
25 Swords

to Hamburg which you will have disposed of in the best manner. Captains Schmidt, Lafitte and McTeir must be supplied out of them as far as they will go. The Com^{rs}¹ shall be forwarded. These should always be sent for by some private hand.

R. Y. H.

XXXII. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 20th Feb. 1833.

D^r Sir.

I have just rec^d yours of the 10th and in reply would say that I would not at present wish you to purchase more powder; the 50 kegs will be enough. As to the Arms, I should be very glad that an arrangement should be made to get some through the house in Augusta of which you speak. Say to them that it is probable that the State will want large supplies, and ask them to import on their own account say 100 Muskets, and thus ascertain what they can offer them at and what further supplies can be had and at what periods. You may agree to buy there 100 provided they shall not cost more than \$8 a piece, which is the highest price we have yet paid for those manufactured for the U. S. Some we have purchased as low as \$3⁵⁰/₁₀₀ and from that up to \$8.—freight and mercantile profit might be added,—and the contract might be extended to a *few specimen Rifles*, Pistols, Swords and Military equipments of all kinds. It would be very advantageous to us to have a channel through which we should obtain military supplies, and it might be made an object to the merchant to have a good customer. While on these matters let the enquiries extend to Mortars say 12 ½ and 18 inch, shells &c. and also Cannon Powder.

In haste yrs truly

ROB Y. HAYNE

Col. F. W. Pickens

¹ Commissions.

XXXIII. BOLLING HALL TO NATHANIEL MACON.¹

ELLERSLIE [Ga] 22 Feby 1833

My Respected friend

I have not had the pleasure to hear from you since you retired from public business ; since we parted, the signs of the times are indeed portentous ; by the events which have taken place, I am often reminded of your predictions of the encroachment of the general, on the State Governments. It is true I had fearful apprehensions of the prospect before us, but I relied on the intelligence and patriotism of our citizens to preserve us from the curse of a consolidated government. This reliance I cannot yet abandon, tho I must confess the signs are unpropitious. When [we] see Congress assume the right to regulate the labor of the country, to equalize the benefits of soil and climate, to tax one portion of the Community for the benefit of another, and the people too, sanctioning those acts, and the President declare war against one of the States because she refuses to pay more taxes than sufficient to defray the constitutional expenditures of government, and her Sister States stand aloof, I begin to fear that liberty and patriotism have taken their flight. When I saw the President's message at the opening of Congress, I hailed it as the harbinger of better times, but when I arrived at the recommendation of protective duties on articles *necessary in time of war*, I had my misgivings, and which were more than realized when I saw his Proclamation. This high behest sweeps from under us the protection which we anticipated, from the provisions of a federative limited government, and on its ruins is reared the hideous monster, Consolidation, restricted only by its own will. Will the high minded, intelligent patriotic Citizens of the United States submit to such usurpation and such a government ? If they do, then may we exclaim in the language of the Prophet : " The Ox knoweth his owner, and the ass his master's crib, but my people will not consider ! " By ambition, intrigue, and party, the old Republican party have been divided and subdivided, untill we are shorn of our strength as Sampson was of his hair, by his faithless Delilah. Our eyes have not yet been put out, tho ambition and self-interest has blinded many, who are groping in the dark, and have become the sport and scoff of their surrounding enemies. The bill reported by the judiciary Committee (which I received after commencing this letter) ² caps the climax—that bill has the sanction of the President and will pass ! Comments on this subject, addressed to you, even were I capable to do so, would be unnecessary. for years you have viewed the approach of the present crisis, and faithfully warned your fellow citizens of the dangers which awaited them. It has arrived—and we are called on to support a federative government of limited powers, or submit to an unlimited consolidated government dependent on the will of a bare majority in Congress.

¹ From the Nathaniel Macon Papers now in possession of a descendant of his, Mrs. Walter K. Martin, of Richmond, Va. Bolling Hall was a member of Congress from Georgia from 1811 to 1817.

² The Force Bill.

The President and Secretary of the Treasury has told us the revenue will produce six millions of dollars more than sufficient to pay the constitutional expences of the government ; thus are taxes levied, equal to 50 cents on every man, woman and child, in the U. States, for the benefit of manufactures, and to enable a majority in Congress to riot in the expenditure of the people's money. So Carolina one of the Old Thirteen United States whose Soil has been consecrated by the blood of her revolutionary patriots, has raised the Standard of opposition to this system of injustice, oppression, and tyranny ; for which the bayonets of the federal army, and the thunder of the Cannon of the Navy are to be directed against her ! If the President had been as sincere, and urgent, to restore peace and harmony to a distracted discontented peopl[e], by having the taxes reduced to the legitimate wants of the government, as he is to humble So Carolina no person doubts but his influence was Sufficient to have done so. But I will drop a further discussion on [these] subjects untill I hear from you, and I ask as a favor a full expression of your opinion on passing events.

With respect and friendship
I am yours &c

BOLLING HALL

Honble N. Macon

forward your letter to Montgomery Alabama.

XXXIV. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 24 Feb. 1833

Sir,

Since my last I have received from Governor Hayne his favour of the 12 inst. I had promised no arms to the Volunteers of Barnwell, except to the companies of Schmidt, Lafitte and McTyiere. These I did hope your means would have enabled me to equip completely, as they are very spirited corps, handsomely uniformed and likely to be permanent. The 100 muskets which I am authorized to get from Col. Pickens will more than supply Capt. Schmidt, while the 60 rifles will not half supply the others. Is it not possible to give me 130 rifles and flasks, and 70 muskets ? In forwarding the arms to Hamburg you have sent them to the most inconvenient place possible upon the river. Those for Capt. M^cTyiere will have to be transported back precisely half way to Charleston, and those to Capt. Lafitte I shall send down the river just half way to Savannah. The Steamboats are constantly in the habit of landing articles along the river and it would have saved 20 miles nearly of land carriage to have had them set down even here at Silver Bluff. Lafitte lives at Matthews Bluff and M^cTyieres first Lieutenant at Midway. Let me request of you never to forward any thing for this district to Hamburg wh. is 5 miles further off than Augusta unless you cross the river twice. It would be more convenient for me to receive them at the door of the Arsenal in Charleston, and less expensive to the State.

It is in vain to make an appeal to the patriotism of more than one man in fifty for the purchase of arms. Such as they have, the people of Barnwell will use and use well, but they are too poor to buy. Whenever they are called into regular service the State must expect to arm them, if they are to act efficiently. They may skirmish in the woods and harrass invaders with their shotguns, but they cannot stand a moment in the field before a regular force properly equipped.

I have now the honour to submit something like a full report of the Volunteers of Barnwell. I ordered a review of the 43 Regiment at Buford's Bridge on Saturday the 16. There was a pretty good turn out. Genl Erwin reviewed and addressed them. The whole regiment volunteered, but about 70. Of these all pledged themselves to defend the State when invaded by *any foe*, except 19. I estimate the Volunteers of this Regiment at 550. I ordered a review of the 11 Regiment at Ashley's Yesterday. About 150 refused to Volunteer. All of these however pledged themselves to defend the state against *any foe*, except 15. I estimate the Volunteers of this Regiment at 375. In all Barnwell has volunteered 925 men. I think I may now safely say that she will furnish a thousand in the event of war. I am happy also to state that on the 4th of March we shall be thoroughly Organized. You will see by the copy of an order enclosed that an election for Col., Lt Col. and Major will take place next Saturday and that I have divided the district into Battalions. On the same day two companies will elect officers, including wh. I shall then have organized and officered—one company of Cavalry, Two of riflemen, and nine of infantry. I have inspected most of them and so soon as I am furnished with commissions to commission them will send you the Officers names.

I collected at Beauford's Bridge 51 stand of public arms in wretched order and wanting repairs. I contracted with Mr Jacob R. Mayer to put them in complete order for \$60. To carry them to his shop and back will cost \$8 more. As soon as repaired I will distribute them or send them to the Court House if you wish. Capt. Tindall's company was probably dissolved last Saturday. I ordered him to have his arms boxed up and sent to Charleston to you, if the expected dissolution took place. As soon as repaired I shall expect them sent back. You have rec^d several bonds for arms—will you send them back to me or how?

Your most Obedient Serv^t

JAMES H HAMMOND

XXXV. GENERAL ORDERS.

Head-Quarters,

CHARLESTON, 27th February, 1833

It having been represented to the Commander in Chief, that Companies to which Public Arms have at various periods been delivered, have in many cases been dissolved, and that many of the Public Arms

are now in the hands of persons who have become possessed of them, without lawful authority, or have given no acknowledgments for the same: It is hereby Ordered that all such Arms be forthwith returned to such Officers as may be appointed to receive them. No person can be permitted to receive or retain Public Arms, but members of regularly commissioned Troops or Companies who may have given, or shall give when required, *acknowledgments* for the same in proper form. Should any person who may be liable under this order to return Public Arms refuse or neglect so to do, such neglect or refusal, with the name of the party, will be forthwith reported to the Commander in Chief, that such measures may be taken as the law directs.

By order of the Commander in Chief.

WM: ED: HAYNE.

Ass^t Adj. and Insp. General.

[To this printed circular is added in manuscript, in the copy sent to Col. Hammond, the following note.]

I am directed to transmit the above with extra Copies to be signed by you, which you will so extend as to effect the object in view. A Fresh supply of Books having been received you can now be furnished from Columbia or Charleston. The Bonds for Arms which have been not been supplied will be retained until you come here when they will be delivered up to you.

XXXVI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON March 6th 1833

Dear Sir

I shall leave Charleston tomorrow for Columbia where I shall remain during the sitting of the Convention¹ and probably longer. All official communications must be addressed to me at that place.

The passage of Clay's Bill according to the general opinion here will settle our controversy with the General Government for the present. Still we must not relax our efforts until we see what course the Convention will take.

I am very respectfully

Y^r Ob^t Sv^t

ROB. Y. HAYNE

Col. J. H. Hammond.

P. S. If you do not propose to be in Columbia at an earlier day, I should be glad to see you there on Monday, the 18th inst.

XXXVII. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 7th March 1833

Sir

I received yours of the 27th ult enclosing orders which I have executed already. There were but two volunteer companies in Barnwell that

¹ The second session of the convention was to begin on March 11.

have been dissolved. The arms of one of them as already stated are at the shop of M^r J. R. Maher. Those of the other have been all collected except one which was stolen by a runaway negro as you will see by an affidavit that will be forwarded. The arms you will receive soon. A bond was given for them by Capt John M^cTyeire to the Abbeville Arsenal Keeper some years ago which he requests you will have returned to him as soon as you receive the arms. This is but just and I trust you will not forget it. I went to Hamburg a week or ten days ago and found everything ordered for this district except the muskets. I directed Messrs Walker to send them all down to the Bluff by a Steam Boat from whence I intended to transport them to the Court House. I have heard nothing of them since and have delayed giving the arsenal Keeper a receipt for them until they arrive here. I have seen Col Pickens who says that he expects to receive a supply of powder and lead from Charleston and that I had better get what I want from you. Thus you refer me to Pickens and he refers me to you. I want about a dozen Kegs of powder and 1000 lb of lead from some quarter or other.

On Saturday last we had an Election for officers to command our Regiment. Sampson H. Butler was elected Colonel and G. I. Trotti and G. A. Sweat Majors. Upon casting lots the Leut Colonelcy fell to the former. There are Thirteen large companies in the Regiment. Address the Col and Leut Col at Barnwell, The Majors at Lower 3 Runs P. O. Address Capt M^cTyeire at —

Very respectfully

Yours.

P. S. Be good enough to forward to me Care of Col Butler at Barnwell about 30 Books which I think will supply the Volunteer Regiment.

XXXVIII. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

Executive Office

CHARLESTON 29 Mar 1833

Dear Sir

The arsenal Keeper has been directed to forward to you through Mess^{rs} Boyce and Henry 12 Kegs of Gunpowder and 500 Pounds of Lead, which when rec^d you will duly acknowledge.

Respectfully your obt Serv^t

ROB. Y. HAYNE

Col : J. H. HAMMOND
Barnwell C. H.

XXXIX. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON April 1st 1833

Sir,

It being desirable that the whole number of Volunteers shall be known and the Rolls completed you will as soon as possible after the receipt of this order Report to the Ass^t Adj. and Insp. Gen. in this place :

- 1st. The whole Number of Volunteers in your District organized and un-organized.
- 2d. The Number of Regiments, Battalions, Squadrons and Companies duly organized and the Names of such Officers as have not been *al-ready* reported.
- 3d. How soon the Organization of the remainder will be compleated and what number and description of Corps they will form.
- 4th. How many and what description of Arms if *any* have been distributed among the Volunteers.
- 5th. Any general Remarks or information you may think proper to furnish.

By Order of the Commander in Chief.

WM: ED: HAYNE,

Ass^t Adj. and Insp. General.

N. B. Should there be any contracts or accounts against the State in your District they must be promptly brought to a close and the accounts rendered.

XL. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 3^d April 1833

Dear Sir,

I returned last night from Barnwell where I rec^d your letter informing me that you had placed 12 Kegs powder and 500 lbs. lead with Boyce, H.¹ and Walter for me. I got from Col Pickens 89 lbs. musket balls. Can you supply me with a set of bullet moulds for muskets? The Troop that I spoke to you about has been formed. There are 40 regular members and they will get 12 honorary ones to meet the requisition of the law. Can you give them any thing besides spurs? A troop is not a troop without equipments, and you know that suitable swords and pistols cannot be procured by individuals. If you can spare 40 sabres I think they would be well disposed of to this company and would probably satisfy them for the present. They are a very spirited set of men and a little encouragement will make them staunch forever. The Company is formed in a part of the country where the Union Party has preponderated and this furnishes an additional reason for giving them some encouragement.

Upon consulting with the Officers of the Regiment we have come to the conclusion to have our Review in May say the 11 or 18 whichever will suit you best. It has been postponed so long in consequence of the resignation of Col Butler our Colonel. I have ordered a new election for the 13 inst. and a month will probably be requisite for equipping the Colonel and his staff. Be good enough to drop me a line as soon as convenient on this point, and in reference to the arms of the troop.

I have nothing of general importance to communicate. The spirit of our people I do not think flags a great deal, and I believe there will not be any difficulty in keeping them alive to the importance of Military

¹ Henry.

preparation as well as political energy until a more thorough revolution in our favour is effected. The press must keep up its tone and a few well written essays suitable to the times are called for. The effect of them abroad however should be considered as well as that at home.

Your General Orders have been rec^d and forwarded. I had not enough copies and should like to have a dozen more if you could send them by a private hand.

Very respectfully

Your Obt Serv^t

JAMES H. HAMMOND

P. S.

I wish you would order the Rifles sent from this District to be mended to be sent back again with flasks, as soon as they are finished, either to Capt John M^cTyeire at Medway or myself at Silver Bluff.

XLI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 4th April 1833

Dear Sir

You will see by the Papers that the Volunteers here have been reviewed and a Standard presented to them in behalf of *The State*. Whenever the Volunteers may be disposed to assemble in Numbers not less than a Regiment, I should be disposed to pay them the same Compliment. But you must not understand that they will be ordered out for this purpose. My desire would be to conform to their wishes on this subject, if made known to me.

Very Respectfully,

Yours

ROB^t. Y. HAYNE

Col J. H. Hammond

XLII. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 8th April 1833.

Dear Sir.

I rec^d yours of the 3^d yesterday and have this day issued orders to have 40 Sabres and Belts (and the Bullet Moulds if on hand) forwarded to you through M^r Boyce. If Pistols are found *indispensable*, I may send you 20 Pair, and also the Spurs. If I am to Review in Barnwell this Spring, the earlier in May the better. You must consult Pickens, and let me have your joint views. Gun Rifles shall be sent back with Flasks as you request — but they have not yet come to hand.

In haste yours truly

ROB. Y. HAYNE

Col. J. H. Hammond.

XLIII. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 22 April 1833

Dear Sir

Having been elected on the 13 inst. Colonel of the Barnwell Volunteer Regiment I beg leave to tender you my Commission of Aid de Camp which you did me the honor to confer upon me. It has not been my wish to withdraw from your Military family, but the Volunteers having chosen me for their Commander without my solicitation and under the circumstances which I detailed to you in Columbia it is out of my power to refuse their appointment. It will afford me the greatest pleasure in the situation to which I have been transferred to co-operate with you in effecting any Military purpose in this District or else where and you may rest assured of my prompt and zealous attention to your commands.

According to the directions contained in yours of the 8 ins^t I wrote to Col. Pickens. he informs me that he cannot be prepared for a Review before the 19 or 20 May, and requests me to put off mine until the 17 or 18. To suit his convenience and what I suppose will be yours I have accordingly ordered a review as Colonel of the Regiment and not as Aid for the 18 of May. I have informed the men that you will be up and present them with a standard. I trust we shall have a large turn out. At the review I will present you with such papers relating to my past duties in the District as may be necessary for you to have or will be useful to my successor.

P. S. I have promised Cap^t Graham his Sabres at the Review. They have not yet arrived here.

XLIV. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 22 April 1833

Sir

In answer to your question contained in your letter of 11th April inst I report

1. That according to my first estimate there were Nine Hundred and Twenty five Volunteers in Barnwell District. There may have been a few added to the lists since. Of these about Eight Hundred and seventy five or nine hundred are Organised. The remainder are in squads too far distant from points of concentration to be organized.

2. We have one Regiment, two Battalion, ten Infantry Companies, two Horse and two Rifle Co. The names of the Regimental officers are as following. James H. Hammond Colonel, G. I. Trotti Leut-Col, G. B. Sweat Major, William Duncan Adjutant, Infantry Captains J. F. Schmidt, S. H. Butler, Leroy Allen, Jeremiah Minor, Jesse Lancaster, Robert Willis Jr., John Walker, Ulmer, Miller and B. O'Bannon. Rifle — John McTyiere and D. M. Laffitte. Cavalry Richard Johnson and L. C. Graham. The names of the Subaltern officers I cannot give. At a

review which is to take place on the 18 of May I can if it is desired obtain the names of all the officers and men.

3. Already answered.

4. I have delivered and taken bonds for seventy five Muskets, Catox boxes bayonets and bayonet belts, Thirty Rifles and Flasks, Thirty pair of pistols, Twenty five Sabres and 3000 percussion caps. I have on hand Thirty Rifles and flasks, Fifty one Muskets and forty eight bayonets. I am informed by the Governor that Twelve Kegs of powder, 500 lb of lead and forty Sabres and belts have been left for me in the hands of my factor in Charleston. My Factor writes me that he believes they were forwarded to me by the Governors private Secretary. The Boat in which they were to come left articles for me at my landing but none of those nor do I know any thing more of them.

5. I have no remarks to make of any consequence. I have some little accounts against the State for expressing arms and hauling them which I will present to the Governor at the Review. They will not exceed \$100.

Respectfully

Your

XLV. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 24th April 1833.

D: Sir.

I learn from Col. Pickens that you cannot have your Volunteers ready for Review before the 18th. As the weather will then be very warm and oppressive to the troops I should prefer a postponement of the Review to the fall. Pray give the proper notice.

In haste yr^{ts} truly,

ROB. Y. HAYNE

Col Hammond

XLVI. JAMES H. HAMMOND TO ROBERT Y. HAYNE.

SILVER BLUFF 4th May 1833

Dear Sir

I received your letter of the 24 ult desiring a postponement of our Review until the fall. I forwarded it to my Adjutant at Barnwell with orders to countermand accordingly. I have just received a letter from him stating that it is the earnest desire of all the officers whom he has seen to have a regimental muster at all events and that he has delayed countermanding the first orders to hear from me again. I shall immediately write him that if it is the general wish to have the Regiment out even if you do not attend, that I shall not object, but will attend myself. I make these explanations that when you learn there has been a Review you may understand how it was. You will not be expected up, but if it will suit your convenience we would esteem your presence a high compliment. I am sorry there should have been any difficulty about the matter

any way. I put off the review from the 11th [to] the 18th purely to oblige Col Pickens and would have had it a week sooner if I had thought it material to you. we could have paraded to day very well.

Some time ago you informed that the 4 sashes and Belt were ordered for Capt. Graham. I immediately wrote to him and promised to have them at the Review. I have heard nothing of them since. I will be much obliged to you to direct them to be forwarded immediately to me at this place or to be delivered to Boyce and Co. without delay.

Very respectfully

Your obt. servt

JAMES H HAMMOND

XLVII. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 7th May 1833.

D^r. Sir.

I have just rec^d yours of the 4th inst. I leave here tomorrow to Review the Beaufort Volunteers on the 10th. My business will not permit me to lose so much time as to remain in the country between the 10th and 18th and tho' very anxious to see the Barnwell Volunteers I must forego that pleasure. I have a Standard, however, ready for you. M^r W^m Ed. Hayne is instructed to forward it to you by the Rail Road or other safe conveyance of which he will give you due notice. Present it to the Brave Volunteers of Barnwell in my name as Chief Magistrate of the State, and say, that I have the fullest confidence that if called upon to unfurl it in defence of our rights—they will bear it in triumph or be buried beneath its folds. Return them my thanks and make this gift acceptable to those who I well know are worthy of it.

Very truly yours,

ROB. Y. HAYNE.

P. S. Cap^t Graham's Sabres have been ordered and I presume sent. I shall direct the proper inquiries to be made and if practicable they shall be forwarded by the day of Review.

May 7 1833

The above were sent by the Steamer Augusta to the care of A and G Walker, Hamburg, and no doubt have been received before this. I have concluded to send the Flag by the Stage to Barnwell C. H. I cannot have it properly packed before tomorrow. As soon as it [is] sent I will drop you a line.

WM: ED: HAYNE

May 8. 1833.

XLVIII. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON May 10th 1833

Dear Sir,

The Flag neatly packed in a Box and the Staff were this morning sent by the Stage directed to yourself to the Care of Col. S. H. But-

ler, Barnwell Court House. I directed the Fare to be paid and gave particular Charges to M^r Lumpkin, one of the Contractors, respecting it. I have written to Col^o Butler, upon receiving it, to open the box and unfurl the Flag so as to air it, for having been lately painted it may not be perfectly dry. It requires nothing but being attached to the Staff which can be done in five minutes. I trust there will be no disappointment respecting it.

Very Respectfully
Your friend and ob Serv^t.

WM: ED: HAYNE

Ass^t Adj. and Insp. Gen^l

XLIX. JAMES H. HAMMOND TO WM. E. HAYNE.

SILVER BLUFF 30th May 1833

Dear Sir

Having resigned my commission as Aid de Camp to the commander in Chief, I inclose you the Bonds of Captains M^cTyeire, Schmidt, Laffitte and Johnson for arms delivered to them by me. I have had a room fitted up in the Court House, where I have now, undistributed Fifty two muskets, forty eight bayonets, which I reserved from the Beaufort Bridge Company and had repaired and transported to the Court House. The powder and lead is probably on the way from Hamburg to Barnwell and with them Captain Grahams Swords. By this time you have received the Rifles sent down by Capt M^cTyeire to be repaired. When repaired the Governor has promised that they shall be returned and it is absolutely necessary they should and that as early as possible. I wish you to divide them and send one half to Cap^t John M^cTyeire, Midway, and the other half to Cap^t D. M. Laffitte, Mathews Bluff. There cannot be the slightest difficulty in doing this as private persons are every day receiving supplies at both places. It will save a world of trouble to all concerned here and at least three fourths of the expense. I will get the bonds. Be good enough to forward the Bond given by Cap^t M^cTyeire originally for these arms to him at Duncansville and also all the bonds lately transmitted to Charleston from this District to be filled up for the arms for which the inclosed were given. I send you also a receipt for all the money I have expended in this District for which I consider the state properly accountable. You will perceive that the items for transportation from Hamburg are large. Of this you will recollect I gave you the proper intimation beforehand. You will oblige me by calling on my factors Boyce Henry and Walton and settling the amount of the receipts.

I will want both books and commissions for my Regiment. I will thank you to forward me a dozen of each addressed to William M. Duncan my adjutant at Barnwell C. H. as soon as convenient.

The flag was received and presented.

Yours

Col Wm. Hayne

L. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON June 22^d 1833

Dear Sir

A few days since I sent by the Stage addressed to you to the Care of Wm. M. Duncan, Barnwell Court House, a Package containing Four Copies of Hoyts Cavalry Tactics, Twelve Copies of Infantry Tactics, Twelve Blank Military Commissions and the several Bonds that had been sent here and the Arms not delivered. The Arsenal Keeper reports that he has not yet received the Rifles which you say Capt M^cTyeire has forwarded to be repaired. whenever received and repaired they will be attended to. The Arsenal Keeper says he cannot find among his papers any Bond given by Capt M^cTyeire for the above Rifles.

The amount of the accounts forwarded has been paid to your agents Boyce, Henry and Walter.

Very respectfully

WM: ED: HAYNE.

Ass^t Adj. and Insp. Gen^l

I presume that Isaac¹ has informed you that I am a Candidate for Treasurer of the lower Division at the next Session and has requested your influence and particularly with the Members of [the] District.

LI. ANDREW JACKSON TO NATHANIEL MACON.²

WASHINGTON Sept. 2nd 1833

Dear Sir

I am glad to find, by your letter of August 26th that the position taken by me, against secession, is the only point of my proclamation, which you condemn. Others have assumed, without specifying in what particulars, that the principles of that paper are in opposition to those which distinguished the republican party during the era of Mr. Jefferson's administration. You have been frank spirited, but the grounds of objection pointed out in your letter to me so far from making a departure from the recognized doctrines of the republican party of that period, is a practical illustration of them. You do not hesitate to admit that the measures recommended by Mr. Jefferson to enforce the embargo in the contemplated case of resistance by Massachusetts, and for which you voted, were the same in principle, with those recently adopted to give effect to the revenue laws in South Carolina: but you tell me that "Mr. Jefferson and yourself may have done wrong, in the very hot times in which you acted." Allow me to say, my dear Sir, that I think you do great injustice to the motives, which actuated yourself and Mr. Jefferson and the Republican party of those times to which you allude. you doubtless consider

¹ Isaac Hayne. South Carolina still had two treasurers, one for the upper country and one for the lower country.

² From the Nathaniel Macon Papers, now in possession of a descendant, Mrs. Walter K. Martin, of Richmond, Va.

the Union worthless, unless the laws could be enforced ; and after great forbearance and due consideration, the deliberate but reluctant resolution was taken “ *to provide for calling forth the militia to execute the laws of the Union,*” if a case of obstruction should arise within the contemplation of this clause of the constitution. Under circumstances of still greater emergency than those under which Mr. Jefferson acted (when the ordinance had actually passed nullifying the revenue laws), I felt it my duty to act with still greater moderation, than his pacific character had dictated on the former occasion. I first warned and appealed to the affections, to the patriotism of my fellow citizens of the South. I exerted my influence to remove the causes employed to excite discontent among them. When troops were enrolled and actually paraded and trained, with the avowed design to prevent the collection of the revenue after a given day, I still sought to avoid the unhappy collision, by recommending the removal of the Custom houses beyond the jurisdiction of each of the States threatening to oppose by force the collection of the revenue, and in the last and worst event, proposed the use of force only to defend the public officers from actual violence, when engaged in the discharge of their official duties. The measures of expostulation and concession in the first instance, of preparation and discussion in the last, which the wisdom of Congress instanced, I am happy to believe have had the best effects in securing peace and stability to the Union.

I think you state too broadly your maxim, that “ *the government of the United States and of the States are governments of opinion and not of power,*” or I should rather say, you apply it improperly, as taking all sanction from the laws. I consider all free Governments, governments of opinion, but should hold ours no government at all, if there were no laws to give effect to the public opinion. We live under a government of laws—laws emanating from the public will, but if there were no means of enforcing public opinion, when embodied in a public law, it would be neither a *government of opinion or force*.

You tell me that a state cannot commit treason. This is true but it does not follow that all the citizens of a state may not commit treason against the United States. “Treason against the United States shall consist in levying war against them, etc.” The State authorities of no one State have a right to repeal this clause of the constitution, which all the people in each state *severally*, concurred in establishing. If, therefore, South Carolina had authorised byenactments of a convention, or of her State Legislature, the citizens of the state to levy war upon the United States it would have been nevertheless *treason*, in all who should have acted under such authority. The authority itself would have been in violation of “the supreme law of the land,” which the people of South Carolina, with their own consent have bound themselves to obey “ *anything in the constitution or laws of any State to the contrary notwithstanding.*” Your remark that force applied to a State Government “ *is not hinted at in the Constitution of the United States, because a state cannot commit treason*” and that “ *it goes on the ground, that every state will*

perform its duty" is I think met by the passage of the constitution to which I have pointed, as well as its whole tenor. "The constitution of the United States and the laws made in pursuance of it" would never have been declared "the supreme law of the land" with direct and immediate power over individual citizens in every state, "the laws and constitution of any state to the contrary notwithstanding," if the experience under the articles of confederation had not shown that *every state* would not perform its duty.

If however as you imagine none of the States gave up the right to secede, then indeed, the establishment of a general Government, a "*supreme law of the land*," by a solemn compact among the people of the several States respectively, was entirely a nugatory act. There would, then, be no obligation in the constitution or the laws of the United States, but what is still made dependent upon the mere pleasure of the state authorities; and our system would present the absurdity of establishing a general government, with the consent of the people in each of the states, having a paramount power, "the constitution and laws of any state to the contrary notwithstanding" and nevertheless ensuring to each and every one of the States, the right to overthrow by a state law, or a clause in a state constitution, the supreme law of the land!! or in other words to set it aside by secession!!

In my opinion, the admission of the right of secession is a virtual dissolution of the Union. If it were [an] established principle in any community, that laws are only to have such obligation as each individual might choose in his good pleasure to allow, such society (if society were possible in this state of the case) would be without laws or government. So of the States. If the Federal Government and its laws are to be deprived of all authority in a state by its mere declaration *that it secedes*, the Union and all its attributes depend upon the breath of every faction, which may obtain a momentary ascendancy in any one state of the Confederacy. To insist, that secession is a reserved right, is to insist, that each state reserves the right to put an end to the Government established for the benefit of all and that there are no common obligations among the States. I hold the states expressly gave up the right to secede, when they entered into the compact binding them in articles of "perpetual union," and more especially when the present constitution was adopted to establish "a more perfect union" equally binding as to duration. That more perfect union consists in the "supreme law of the land" which the Government of the United States is empowered to maintain *within its proper sphere* independently of the States Government, and whether they pass a law or constitutional provision of secession or not, because it is still to be the supreme law of the land "*anything in the constitution or law of any state to the contrary notwithstanding*." The only right of secession from a government and more particularly from a government founded upon mutual concessions, and obligations among the members forming it, is the revolutionary right—secession can never take place without revolution; and I trust, if it ever should happen that one

section of the union is subjected to *intolerable oppression* or *injustice* by another, and *no relief* can be obtained through the operation of public opinion upon the constituted authorities, that the right may be as successfully conducted by the wronged and oppressed against our present government, as it was against that which we threw off by the revolution which established it.

I send you herewith the proclamation, the report from the Department by which it was seconded, and the law passed consummating them. I hope you will receive them as an earnest of the high respect I bear you ; and if on comparing them, you find the principles I have advanced and the measures I have recommended, the same in effect, with those which were proclaimed and carried out by Mr. Jefferson, yourself and other fathers of the school of 1798, I hope you will do me the justice to believe, that we follow precedents of such high authority and which have been sanctioned by almost universal approbation of the country from that time to this. I was altogether unconscious, that they were fraught with the dangerous tendencies, imputed in your published letter to Mr. Corson.

I beg you to believe that nothing but a wish to vindicate my conduct and consistency to one whose character I so highly esteem—whose probity and pure patriotism gives weight to his most casual opinion—could have induced me to intrude on your retirement [*mutilated*], which the publication of your letter invited.

With the kindest feelings and best wishes for your contentment and happiness in your last days,

I am Dr Sir

Yours respectfully

ANDREW JACKSON.

The Hon^{ble}

Nathaniel Macon.

LII. WM. E. HAYNE TO JAMES H. HAMMOND.

CHARLESTON Oct. 5th 1833

Dear Sir,

I have never yet received a full Return of the Number of Volunteers in Barnwell District nor the Manner in which they are organized. I have received the names of the Field Officers of the Regiment of Volunteers, but I have no information of the number of Companies of which it is composed, the number of men in each Company or even the number of men in the Regiment. What companies of Volunteers within the District are not attached to the Regiment? if any what numbers are they composed of? The Governor wishes to make a Report upon the Subject to the Legislature ; to enable him to do so, will you furnish me with the necessary information respecting the Volunteers of your District. I have from you several *Estimates* of the whole number but you have never made a regular return. The Governor is now absent on the Re-

view of the Volunteers in some of the upper District and will return about the 20th of next Mo.

Very Respectfully, Yr Mo obt

WM: ED: HAYNE,

Ass^t Adj. and Insp. Gen^l

LIII. JAMES H. HAMMOND TO WM. E. HAYNE.¹

SILVERTON 25 Oct 1833

Dear Sir

I am sorry that it is not in my power to furnish the Governor with any accurate statement of the volunteers of this district. I forwarded to you all the lists I could obtain. This District is so large and heretofore there has been so little system in military matters that I never could get complete lists. I should have done so in a few weeks had not peace been declared, after which it was impossible. from what I have seen of them, and [I] have seen nearly all and counted, though many were added after my personal inspection, I think the following as near a correct statement as can be now obtained.

<i>1st Battalion.</i>		Capt. O Bannon	35	Capt. Ulmer	100
Capt. Schmidt	70	Capt Walker	80	Miller	30
" Butler	60		270		115
" Lancaster	90		385		245
" Willis	45				
	270	<i>2^d Battalion</i>		<i>Rifle Corps</i>	
		Capt Allen	65	Capt McTyiere	65
		Miner	50	Lafitte	70
			115		135
<i>Calvary</i>					
Capt. Johnson	70	First Batt.	385	In all organized	880
" Grahams	45	Second Do.	245	Unorganized	70
	115	Riflemen	135		
		Cavalry	115		
			880	Total—	950

This is as nearly as correct as any thing that can possibly be obtained. The companies below the legal number were the remains of the old beat companies who chose to volunteer as beats and I accepted them as such. In the hope that this statement, which is the best I can make, will prove sufficient for the Governor's purpose —

LIV. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

CHARLESTON 31st March 1834.

Dear Sir.

I have rec^d your letter, but my absence from the City has prevented me from answering it. Indeed, the developments which are

¹ From a draft in a clerk's hand.

daily taking place, leaves our proper course so uncertain that it is difficult to decide upon it at present.¹ Do the Union leaders really mean to create a civil War? or what do they mean? When we see clearly what they intend to do, our course will be plain. In the mean time, I think all our proceedings should be marked with moderation and forbearance. No taunting, no abuse, and when we speak of their misdeeds let it be "more in sorrow than in anger." The case *made up* between Col. Hunt, and Lieut. M^cCredie, is going on here before the appeal Court. If the decision is against them (as I think it will be) I believe no doubt they will appeal to the Supreme Court at Washington and try to involve the State in a new contest with the Fed^l Gov^t under whose wings they seem determined to take refuge. If the true object of all the excitement, is to organize and rally the Union party for the October elections, as soon as that purpose shall be indicated, our Bugle call must be sounded, and the State Rights party be rallied for the contest, and no effort omitted to secure such a triumph as shall put an end to the contest forever. Should this take place, I think some plan must be devised to prevent a struggle between Elmore² and yourself, and in the mean time, let the contest be conducted in good temper and with mutual forbearance. I saw Elmore here, and impressed the necessity of this upon him.

I have only time to add that I am
respectfully and truly yours,

ROB. Y. HAYNE

Col. J. H. Hammond

¹ The legal case to which allusion is made in this letter is that of *The State ex relatione* Edward McCrady vs. B. F. Hunt, Col. 16th Regt. S. C. Militia, followed soon after by the similar case of *The State ex relatione* James M^cDaniel vs. Thomas M^cMeekin, Brig. Gen. 6th Brigade S. C. Militia. Both are fully reported in *The Book of Allegiance; or a Report of the Arguments of Counsel and Opinions of the Court of Appeals of South Carolina, on the Oath of Allegiance*, Columbia, 1834, and also in H. Hill. The Legislature, in December, 1833, had passed a new militia law, in which it was provided that every officer of the militia should, before entering on the duties of his office, take and subscribe an oath that he would "be faithful, and true allegiance bear, to the State of South Carolina." Edward McCrady (See No. XIV. of these papers, pp. 749-751 of Vol. VI.) was a prominent member of the Union party. On February 28, 1834, he was elected lieutenant of the Washington Light Infantry of Charleston, and applied for his commission. Col. Hunt, the commanding officer of the regiment, tendered him the oath. This he refused, and applied to Justice Bay for a rule, to show cause why a writ of mandamus should not issue, commanding Col. Hunt to deliver him his commission. Justice Bay dismissed the motion. The relator appealed. His case, and that of M^cDaniel, were argued before the Court of Appeals, which rendered its decision on May 24, 1834. The two judges who belonged to the Union party, John Belton O'Neill and David Johnson, declared the section of the Militia Act relating to oaths unconstitutional and void, chiefly on the ground of inconsistency with the Federal Constitution. Judge William Harper dissented. The results were, first, violent popular dissatisfaction with the court; second, the passage of an amendment to the constitution of 1790, requiring of all officers an oath of allegiance to South Carolina; thirdly, in December, 1835, the abolition of the court. See O'Neill's *Bench and Bar of South Carolina*, I. 273, 275, 281.

² Franklin H. Elmore. Hammond was elected to Congress, and served from December, 1835, to February, 1836. He then resigned, and Elmore was elected in his place.

LV. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 4th April 1834.

My Dr Sir

My friend I. W. Hayne tells me there is a Report in the Country that I have written to Gen Thompson¹ “that the execution of the Militia Law should be suspended till the meeting of the Legislature—as experience had proved that it was unwise” &c. I trust you know me too well to suppose I could have written such a letter. On the contrary I have given instructions to Gen. Thompson and others *to proceed regularly in the organization*, until he shall be *actually obstructed* in doing so, and then to report the nature and character of the *obstruction*, and so far from reporting that he has been obstructed his last report states that he is progressing regularly, nor have I any reason to believe that either Shelton or himself will have any difficulty in the organization, tho’ I think it probable the Union officers elected will refuse to take the oath. I have enjoined on Thompson, *as on all others*, a *forbearing course*, so as to give *no excuse* to our opponents for any violent conduct on their part, and thus to deprive them of all public sympathy. This I have no doubt is our true policy. The decision of the Court will be against them, and how then can they stand up in the face of an intelligent and patriotic community and deny their duty to the Country which protects their persons and their property. Their leaders may mean to create a civil War, but if we pursue a wise, firm and prudent course and have our usual good fortune they will not be able to carry their party with them.

I am my D. Sir sincerely Yours

ROB. Y. HAYNE

Col Pickens

LVI. ROBERT Y. HAYNE TO JAMES H. HAMMOND.

(Private)

CHARLESTON 20th May 1834

Dear Sir

I have just received a letter from a highly respectable Gentleman in Abbeville District inclosing the following document which he states was obtained by Mess^{rs} Tullis and Cobb, Gentlemen in whose intelligence and veracity full reliance may be placed, from the person charged with the delivery of it to Capt Teague. My object in sending you this document is, that you may cause diligent enquiry to be made within the limits of your command on the subject to which it relates and give me the result at an early day.

I am very Respectfully

Your ob^t Sv^t

ROB. Y. HAYNE

Col. Hammond

¹ Waddy Thompson, afterward Member of Congress and minister to Mexico.

[ENCLOSURE].

ABBEVILLE 17 Ap^l 1834.

CAPT TEAGUE

Dear Sir

The committee of Five have assigned the Five Divisions of this State. this District is included in the Division assigned to Col Rob^t Cunningham,¹ who has written to me to urge an immediate and active organization of the Regiments of this District. You will please therefore make the return for the company you command and send to me without the least delay. You and your subaltern officers constitute the company committee. I have drawn a form for your guide.

Respectfully

THO^s P. SPIERIN.

N. B. Confine your report to the Union men alone.

LVII. ROBERT Y. HAYNE TO FRANCIS W. PICKENS.

CHARLESTON 10th June 1834.*Dear Sir*

I have maturely considered the question of a call of the Legislature,—and have received the counsel of our friends from all parts of the State, and of a portion of our Members of Congress. The question is one of great delicacy and difficulty, and concerning which I find there exists much difference of opinion. On the one hand the outrage² is so monstrous, that the failure to meet it promptly and decisively, may have a depressing effect; but on the other hand there is much danger of rash action under the impulse of popular excitement. We should ask ourselves, “if the Legislature is now called what *can* they do?—what ought they to do? what will they do, or attempt to do?” They *cannot* call a Convention, amend the Constitution, impeach or remove the Judges, nor do any act which requires a vote of 2/3rds.³ This I have *ascertained* beyond a reasonable doubt. If any of these things should be attempted therefore, (as would probably be the case) the attempt would fail, which might be fatal to us. The Legislature then could do nothing more than *express* opinions, and *amend the Militia Law* in conformity with the decision, unless they should remodel the Court so as to have the decision reversed. This last act would, I think, be extremely hazardous, while the amendment of the Constitution was pending before the people,—and I know it would produce a scism in the party. Yet any thing short of this would be doing nothing, for it would be worse than useless to attempt to legislate with a partizan Court ready to arrest your Laws. As the

¹ A prominent member of the Union party, for whom see O'Neill's *Bench and Bar of South Carolina*, II. 395-401.

² *Viz.*, the decision of the Court of Appeals.

³ Under the constitution of 1790, amendments to the constitution required a two-thirds vote of both houses in two successive legislatures.

Legislature can do nothing effectual at present, except what it would not be expedient to do, or even to attempt, I think there is nothing to be gained by an extra call, while it would be attended with some risk of dissensions among ourselves, and injury to our cause from rash measures. The delay of a few months, if we can in the mean time secure the amendment of the Constitution, will give us invincible strength. The moderation thus displayed, the decisive expression of public opinion at the polls, followed up by the adoption of the Constitutional amendment settling in South Carolina the question of Allegiance forever, will give us a moral power against which the Judges can not stand up. You may do in December with a new Legislature, what it would be fatal to attempt in July with the old one. On reading the decision I think we can get along with the Militia until the Legislature meets. The only risk in the course I have marked out is its falling short of public expectation, and thereby paralyzing the energies of the party. This must be avoided by public meetings and addresses, a revival of the Associations and all the means heretofore found so successful. Besides I cannot think that the party will be found wanting when the crowning victory is to be won. If the Governor shall be considered as having erred in not giving vent to the indignant feelings of the party, by an immediate call of the Legislature, the blame can be thrown upon him, without impairing the spirit of the party, who will know that he goes out of office in December next, and even if he were so disposed could present no further obstacles in their way. On the whole, not to dwell on minor considerations, tho' I am aware that my course will to some extent disappoint the party, and may expose my popularity and influence to hazard, yet I am fully convinced, that it is our true policy, not to have an extra session of the Legislature at this time, but to make up our final issue with our opponents at the polls in October, and to leave to a new Legislature coming fresh from the people, and supported as I trust they will be, by an amendment of the Constitution, to adopt the proper measures for a reform of the Judiciary and for establishing the Sovereignty of the State on the surest foundations; and when all this shall be done if there should be any portion of our Citizens, mad enough to raise their voices against their country, I trust we shall know how to deal with them.

I am Dear Sir with great
respect and esteem yours truly

ROB. Y. HAYNE.

P. S. Calhoun, Preston, Hamilton, McDuffie, and most of our leading friends with whom I have consulted concur generally in these views.

R. Y. H.

Col. Pickens.